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Patent  
Attorney's Docket No. 018987-029

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
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Satoru OKADA	)	Group Art Unit: 2621
	)	<b>RECEIVED</b>
Application No.: 09/614,584	)	Examiner: Duy M. Dang
	)	OCT 09 2003
Filed: July 12, 2000	)	Confirmation No.: 2967
	)	Technology Center 2600
For: IMAGE COMBINING AND	)	
OUTPUTTING APPARATUS THAT	)	
ADJUSTS THE BALANCE	)	
BETWEEN THE IMAGES BEING	)	
COMBINED	)	

**AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated June 18, 2003, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

***Drawings and Specification:***

The Examiner has requested that the "amendment indication input receiving unit" (claim 6) and the "outline extracting means" (claim 13) be illustrated in the drawings. The "amendment indication input receiving unit" is based on the disclosure on page 22, lines 18-20 and page 23, lines 10-13 of the specification. User inputs via magnification setting buttons 1054 and position selection buttons 1053 of the operation input unit 105 are received respectively at steps S208 and S211 in the Fig. 8 flowchart. Given that Fig. 8

shows procedures executed by control unit 100, the "amendment indication input receiving unit" corresponds to control unit 100.

The "outline extracting means" is based on the disclosure on page 22, lines 5-8 of the specification. The outline of an input image is detected, i.e., extracted, at step S203 in the Fig. 8 flowchart. Again, given that Fig. 8 shows procedures executed by control unit 100, the "outline extracting means" corresponds to the control unit 100.

However, the present invention is not limited to the preferred disclosed embodiments.

Accordingly, the claimed elements are described in the specification and illustrated in the drawings. Therefore, the Examiner is respectfully requested to withdraw the objections concerning these elements.

***Art Rejections:***

Claims 1, 7-8 and 11-14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,947, hereinafter Koba.

Claim 1 defines an image combining and outputting apparatus that combines a plurality of original images and outputs a combined image. The apparatus includes a balance adjusting unit for adjusting balance between a plurality of original images that are to be combined. In addition, the balance adjusting unit includes an attribute information obtaining unit for obtaining attribute information that has been added to image data of a fixed image. The balance adjusting unit further includes a size adjusting unit for adjusting

the size of at least one adjustable image based on the attribute information obtained by the attribute information obtaining unit.

Koba discloses an image editing apparatus and method and medium on which programs are recorded. In the Koba apparatus, a plurality of templates of different patterns are stored in the storage device 6. Clearly some information is associated or stored with each of the templates. In particular, sufficient information is stored to enable the system to determine whether a particular template is associated with a particular season or holiday. See column 4, lines 34-44. However, there is not indication that this information relates to the size of an image that can be applied to each template, other than as discussed herein.

In addition, when images are input into the system for assembly onto the templates, size information is also input together with each image. See column 3, lines 46-48. The Koba apparatus automatically determines an appropriate layout position of the images to be laid out on each template. See column 5, lines 34-56. According to the third embodiment of the Koba apparatus, if the number of input images do not fit on a desired number of pages, the apparatus has the ability to reduce the size of one or more of the images. See column 6, lines 43-59.

However, it is important to note that there is no discussion or indication that the reduction in size of the input images is accomplished based on attribute information or any other information that has been added in association with a specific original fixed image or specific template. It appears that all of the templates include a substantially similar frame and the determination of whether or not an image is reduced, and how much the image is reduced is based entirely upon the number of images input and the size of each of the input

images, not on attribute information stored with the template. Thus, Koba does not teach or suggest a size adjusting unit for adjusting a size of at least one adjustable image based on the attribute information obtained by the attribute information obtaining unit.

Accordingly, claim 1 is not taught or suggested by Koba. Claim 7 depends from claim 1, and is thus also patentable over Koba at least for the reasons set forth above with respect to claim 1.

Claim 8 defines an image combining and outputting apparatus that includes, among other elements, a size adjusting means for adjusting the size of the second image based on the attribute information. As set forth above with respect to claim 1, Koba does not teach or suggest adjusting the size of an adjustable image based on attribute information associated with a first image. Accordingly, claim 8 is also patentable over Koba.

Claims 11-13 depend from claim 8, and are thus also patentable over Koba at least for the reasons set forth above with respect to claim 8.

Claim 14 defines an image combining method for combining a first image and a second image, which includes, among other elements, a size adjusting step for adjusting the size of the second image based on the attribute information that is appended to the first image. As set forth above, Koba does not teach or suggest adjusting the size of a second image based on attribute information of a first image. Accordingly, claim 14 is also patentable over the cited prior art.

The Examiner is thanked for the indication that claims 2-5, 9-10, and 15 contain allowable subject matter.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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Date: October 1, 2003

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